

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

ISAIAH J. KENNEDY,)	
)	
Plaintiff,)	
)	
V.)	CIVIL ACTION NO. SA-23-CA-00470-FB
)	
EQUIFAX INFORMATION SERVICES)	
LLC, ET AL.,)	
)	
Defendants.)	

**ORDER ACCEPTING REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

Before the Court is the Report and Recommendation of United States Magistrate (docket no. 91) concerning the following motions to dismiss: Defendant Navy Federal Credit Union's Motion to Dismiss Plaintiff's First Amended Complaint (docket no. 33), Defendant Credit First National Association's Motion to Dismiss Plaintiff's First Amended Complaint Pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure (docket no. 36), Defendant AT&T's Motion to Dismiss Plaintiff's Verified Complaint (docket no. 44), and Defendant AT&T's Motion to Dismiss Plaintiff's Claims Pursuant to Fed. R. Civ. P. 12(b)(5) and Fed. R. Civ. P. 41(b) (docket no. 81). No objections have been filed to date.¹

Because no party has objected to the Magistrate Judge's Report and Recommendation, the Court need not conduct a *de novo* review. *See* 28 U.S.C. § 636(b)(1) ("A judge of the court shall make a *de novo* determination of those portions of the report or specified proposed findings and recommendations

¹Any party who desires to object to a Magistrate's findings and recommendations must serve and file written objections within fourteen days after being served with a copy of the findings and recommendation. 28 U.S.C. § 635(b)(1). If service upon a party is made by mailing a copy to the party's last known address, "service is complete upon mailing ." FED. R. CIV. P. 5(b)(2)(C). If service is made by electronic means, "service is complete upon transmission." *Id.* at (E).

to which objection is made."). The Court has reviewed the Report and Recommendation and finds its reasoning to be neither clearly erroneous nor contrary to law. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918 (1989).

IT IS THEREFORE ORDERED that the Report and Recommendation of United States Magistrate Judge (docket no. 91) is ACCEPTED pursuant to 28 U.S.C. § 636(b)(1) such that:

- Defendant Navy Federal Credit Union's Motion to Dismiss Plaintiff's First Amended Complaint (docket no. 33) is DENIED;
- Defendant Credit First National Association's Motion to Dismiss Plaintiff's First Amended Complaint Pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure (docket no. 36) is GRANTED such that Defendant Credit First National Association is DISMISSED from this suit;
- Defendant AT&T's Motion to Dismiss Plaintiff's Verified Complaint (docket no. 44) is DISMISSED AS MOOT; and
- Defendant AT&T's Motion to Dismiss Plaintiff's Claims Pursuant to Fed. R. Civ. P. 12(b)(5) and Fed. R. Civ. P. 41(b) (docket no. 81) is GRANTED such that AT&T is DISMISSED from this lawsuit.

This case continues to be referred to the Magistrate Judge for further pretrial proceedings.

It is so ORDERED.

SIGNED this 29th day of February, 2024.



FRED BIERY
UNITED STATES DISTRICT JUDGE